

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:24-cv-00132
GOCHA ALLEN RAMIREZ,) (
ALEXANDRIA LYNN BARRERA,) (
RENE FUENTES, and STARR) (
COUNTY, TEXAS) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
ESMERALDA NAVARRO MUNIZ
MARCH 25, 2025

ORAL AND VIDEOTAPED DEPOSITION OF ESMERALDA NAVARRO MUNIZ, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MARCH 25, 2025, between the hours of 12:08 p.m. and 5:01 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Garza Martinez, PLLC, 202 East Sprague Street, Edinburg, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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13:12 1 officers -- some investigators that would call them on
13:12 2 almost every other case. It all depends.

13:12 3 Q. And that was during the investigation you would
13:12 4 call?

13:12 5 A. Oh, on -- particularly on this -- oh, yeah.
13:13 6 Yeah, throughout the investigation --

13:13 7 Q. The investigation.

13:13 8 A. -- of whatever case.

13:13 9 Q. Of whatever case?

13:13 10 A. Yes.

13:13 11 Q. And did you often call a particular ADA or the
13:13 12 general number if you had a question?

13:13 13 A. It was whoever answered. Like a lot of the
13:13 14 times, Judy Solis, we would hardly ever talk to her
13:13 15 because she didn't -- she wouldn't answer, or who
13:13 16 was the other one?

13:13 17 Abel, he would -- sometimes we would talk
13:13 18 to him. But the person that would always, always,
13:13 19 always, and always answer was Alex Barrera.

13:13 20 Q. Okay. And how -- how would you --

13:13 21 A. I'm sorry.

13:13 22 Q. I'm sorry.

13:13 23 A. We would never call Gocha directly.

13:13 24 Q. How would you reach out to the DA's office? By
13:14 25 phone?

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13:21 1 I'm not mistaken. And that's when the miscarriage
13:21 2 happened.

13:21 3 Q. So when -- you said the hospital reported it?

13:21 4 A. Yes, ma'am.

13:21 5 Q. Who at the hospital reported it?

13:21 6 A. I don't know. I'm not sure who the officer
13:21 7 made contact. I'm assuming with the doctor on-call and
13:21 8 the nurses. And I'm not sure if it was directly the
13:21 9 ones from the ER or the -- the maternity ward.

13:21 10 Q. Okay. I'm going to show you confidential -- it
13:22 11 says Confidential Exhibit No. 1.

13:22 12 MS. JARIT: We're going to mark this
13:22 13 Exhibit 6, Plaintiff's Exhibit 6. Thank you.

13:22 14 Q. Do you recognize this document?

13:22 15 A. Yes, ma'am.

13:22 16 Q. Okay. This document was provided by defendants
13:23 17 in discovery. It is not Bates-stamped, but it is
13:23 18 labeled "Confidential Exhibit No. 1."

13:23 19 A. Oh, I think I have two.

13:23 20 Q. Oh, you have two copies?

13:23 21 A. Yes.

13:23 22 Q. Okay. I'll take one back.

13:23 23 Who -- who wrote this -- this report?

13:23 24 A. Ranell Rosa.

13:23 25 Q. And do you see on the bottom right-hand corner

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13:26 1 Q. And then are you also aware that Investigator
13:26 2 Aguirre also spoke to Martha Torres that same day?

13:26 3 A. Yes, ma'am.

13:26 4 Q. And do you know -- were you told about that
13:26 5 conversation that he had with her?

13:26 6 A. Briefly, because he -- I asked him to write a
13:26 7 supplement report on that.

13:26 8 Q. Why did you ask him to write a supplement
13:26 9 report?

13:26 10 A. Because he was the one that had conducted that
13:26 11 investigation -- I mean that interview. I'm sorry.

13:26 12 Q. Okay.

13:26 13 A. So I said, "You go ahead and type up that
13:26 14 interview because you know exactly, you know, what you
13:26 15 asked and what she told you."

13:26 16 Q. And was it your understanding that she was the
13:26 17 one who reported the case to police?

13:26 18 MR. NAVARRO: I'm sorry, who is "she"?

13:26 19 Q. I'm sorry. Was it your understanding that
13:26 20 Martha Torres was the one who called the police?

13:26 21 A. I believe so, reading this report, yes, ma'am.

13:27 22 Q. And was it your understanding also that she
13:27 23 thought she had to report the incident because it was a
13:27 24 crime?

13:27 25 A. I believe so, ma'am, yes. Because they stated

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13:27 1 the Texas Abortion Restriction Law there on the report
13:27 2 on the narrative, so I'm assuming.

13:27 3 Q. And it says --

13:27 4 A. Yes. I'm sorry, yes, ma'am. I was going to
13:27 5 read the same -- that sentence.

13:27 6 Q. And the report says "Texas Abortion Law SB 8,"
13:27 7 correct?

13:27 8 A. Correct, ma'am.

13:27 9 Q. And so at the time, did -- did you also believe
13:27 10 that it was a crime under SB 8?

13:27 11 A. I'm going to have to be very honest with you.
13:27 12 I -- when I asked my supervisors what they wanted me to
13:27 13 do with this case and what was I supposed to do with
13:27 14 this and that it had happened in the Rio Grande City
13:28 15 jurisdiction, they themselves had no answers for me.
13:28 16 And that is why they said, "Seek out advice with the
13:28 17 County, the district attorney's office."

13:28 18 Q. Had the district attorneys talked to them about
13:28 19 the case before handing it to you?

13:28 20 A. I'm not sure about that, ma'am.

13:28 21 Q. Earlier, you referred to Ms. Gonzalez having a
13:28 22 miscarriage. Why -- why do -- did you call it a
13:28 23 miscarriage?

13:28 24 A. Well -- I don't know. I just called it a
13:28 25 miscarriage.

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13:33 1 A. Well, they told me interview all the parties
13:33 2 involved. And normally we would always interview every
13:33 3 party involved in whatever crime.

13:33 4 Q. When you say "they," who are you referring to?

13:34 5 A. My sergeant and my captain.

13:34 6 Q. Do you recall that the doctor said that under
13:34 7 the law, she, meaning Ms. Gonzalez, cannot induce an
13:34 8 abortion after six weeks?

13:34 9 A. Yes.

13:34 10 Q. How did you -- strike that.

13:34 11 Was that statement surprising to you?

13:34 12 A. Yes, ma'am, because I was not familiar with any
13:34 13 of that.

13:34 14 Q. Okay. You were not familiar with --

13:34 15 A. With the laws of abortion or how many months or
13:34 16 weeks or...

13:34 17 Q. So did you understand that statement to be true
13:34 18 at the time, that -- that she could not have induced an
13:34 19 abortion?

13:34 20 A. No, I didn't know if it was true or not. I
13:34 21 just -- he said it, and I went ahead and -- and put it
13:35 22 in -- on my report.

13:35 23 Q. And he also said he believed he had to report
13:35 24 the incident to police as well, correct?

13:35 25 A. Yes, ma'am, I believe so.

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13:35 1 Q. And was that surprising to you?

13:35 2 A. Yes. Yes, ma'am. All of this was very
13:35 3 surprising to me because I didn't know -- I didn't
13:35 4 know -- I heard about "My body, my choice" a lot, and
13:35 5 then I get this. I was just confused myself. Like I
13:35 6 said, I didn't even know.

13:35 7 Q. Yeah. When you say, "Ny body, my choice," what
13:35 8 do you mean by that?

13:35 9 A. Well, I hear a lot of how females are entitled
13:35 10 to, you know, discontinue a pregnancy if they wish to.
13:35 11 And when this was brought forth, I didn't know. I
13:35 12 didn't know if what the doctor said was true.

13:35 13 I didn't know if -- you know. So that's
13:36 14 why -- that's why I seeked legal -- not legal, I'm
13:36 15 sorry. That's why I seeked advice from my supervisors,
13:36 16 and then my supervisors, in turn, I'm assuming -- I'm
13:36 17 assuming they too didn't have an answer for me, and
13:36 18 that's how we ended up at the DA's office.

13:36 19 Q. So you were surprised that the office was
13:36 20 investigating this in light of the right of a woman to
13:36 21 have an abortion at the time; is that correct?

13:36 22 A. That's correct, ma'am.

13:36 23 Q. Okay. And you -- do you recall obtaining
13:36 24 subpoenas for Ms. Gonzalez's medical records in this
13:36 25 case?

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13:44 1 A. At this point, I -- I had questions.

13:44 2 Q. You had questions. What questions?

13:44 3 A. I wasn't sure how to follow through with this,
13:44 4 like I said, because I wasn't aware of -- of laws of
13:44 5 abortion or miscarriages or -- it was just I had never
13:44 6 handled anything like that.

13:44 7 Q. Yeah. So you were unsure about how the law
13:44 8 applied to the facts. Is that what you're saying?

13:44 9 A. Yes, ma'am.

13:44 10 Q. You didn't have -- after this interrogation,
13:45 11 you basically understood the facts, what the facts
13:45 12 were.

13:45 13 A. After -- after this -- after the interview
13:45 14 with -- with Lizelle, I discussed with the captain and
13:45 15 the sergeant, and then they were the ones that said,
13:45 16 "Okay. Put the case together and send it to the DA's
13:45 17 office."

13:45 18 So I called Alex Barrera, let her know,
13:45 19 "This is what I have as -- as far as what the doctor
13:45 20 said, what she said. This is what" -- "Okay. Excuse
13:45 21 me. Put it together and turn it in, and I'm going to
13:45 22 present it to the grand jury."

13:45 23 Q. Okay. When was that conversation?

13:45 24 A. If not this day, days after this day, yes,
13:45 25 ma'am. And I'm -- I'm not sure when the case was

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14:03 1 So ADA Barrera says that she had missed a
14:03 2 call from the sheriff's office about this case and
14:03 3 learned that you had spoken to ADA Villarreal.

14:04 4 A. I never spoke to Abel Villarreal.

14:04 5 Q. You did not?

14:04 6 A. It was probably one of our administrators.

14:04 7 Q. So when you say "administrators," who would
14:04 8 that be?

14:04 9 A. Maybe Captain Fuentes or Carlos Delgado. They
14:04 10 have -- they have a better relationship with Abel --
14:04 11 with Abel Villarreal.

14:04 12 Q. So someone higher up would have spoken to him
14:04 13 with this question --

14:04 14 A. Yes.

14:04 15 Q. -- about --

14:04 16 A. Even before I even called Alex, because
14:04 17 apparently, they had already called Abel Villarreal.
14:04 18 Somebody had.

14:04 19 Q. And do you recall speaking to ADA Barrera with
14:04 20 Captain Fuentes about the case at one point?

14:05 21 A. If I'm not mistaken, this is the day that I was
14:05 22 handed the report that we called that I had said that
14:05 23 we were all -- they said, "Call the DA's office." This
14:05 24 is the day.

14:05 25 Q. And so on that day is when you called. And do

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14:41 1 A. No, ma'am.

14:41 2 Q. Do you know what a capias is?

14:42 3 A. The -- the arrest warrant?

14:42 4 Q. Were you provided a capias as well?

14:42 5 A. I don't remember what I pulled out from the
14:42 6 envelope. I believe I did sign it. I signed the
14:42 7 return that I had executed. And that's when I opened
14:42 8 it in front of her, and I told her, "This is what the
14:42 9 DA's office is bringing before you."

14:42 10 Q. How did you go about arresting Ms. Gonzalez?

14:42 11 A. Well, I went to go -- when I got the envelope,
14:42 12 I went to my sergeant Aguirre and Captain Fuentes,
14:42 13 said, "This is what" -- we call him Trini, Trinidad
14:42 14 Lopez. Said, "This is what Trini gave me."

14:42 15 He's like, "Okay. Well, now go look for
14:42 16 her."

14:42 17 Okay. I started calling her. I went to
14:42 18 her house. So all six of us started looking for her,
14:42 19 because they said, "Well, now go look for her and bring
14:43 20 her."

14:43 21 Okay. So we did. We started looking for
14:43 22 her. I don't remember where exactly. I think it was
14:43 23 somewhere on Alvarez Road, maybe -- I don't remember
14:43 24 where exactly it happened. But that's where we saw
14:43 25 her. I believe I was on the phone with her. I don't

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14:43 1 remember the details.

14:43 2 Oh, maybe they're here. And that's how --
14:43 3 we met up with her. And she was nervous. She was -- I
14:43 4 said, "Well, I have this envelope."

14:43 5 Tell me -- I believe she was like, "Are
14:43 6 you going to arrest me," blah blah.

14:43 7 I said -- just like they told me, I told
14:43 8 her, like, "They gave me this envelope. You need to go
14:43 9 with me to the sheriff's office, and that's where we're
14:43 10 going to open it together. Like I'm going to open it
14:43 11 and then I'll tell you there."

14:43 12 So she calls her mom. We drive to the
14:43 13 sheriff's office. Once we get to the sheriff's office,
14:44 14 that's when I open the envelope. And I pulled out the
14:44 15 paperwork, and I said, "This is what it is." We're
14:44 16 reading it together. And I read it to her.

14:44 17 Q. How many officers were involved in the arrest?

14:44 18 A. I don't remember. In the arrest when we
14:44 19 detained her or the arrest?

14:44 20 Q. In the detain -- when you found her and
14:44 21 detained her.

14:44 22 A. I think it was maybe three of us or -- I was
14:44 23 with someone, and then maybe another unit. I don't
14:44 24 recall. All of us were out there, because some were at
14:44 25 her house in -- I don't know where she lives, wherever

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14:44 1 she lives, Fronton or -- I don't remember, Falcon
14:44 2 Heights.

14:44 3 And then some were over here on the west
14:44 4 side of town looking for her. She was saying, "I'm
14:44 5 over here. I'm over there." So it was something like
14:45 6 that. I don't recall exactly.

14:45 7 So when we got to her, it was me and
14:45 8 whoever I was driving with. I don't remember if it was
14:45 9 Investigator Ivan Lopez or with Juan Guerra and maybe
14:45 10 one more unit. I don't remember.

14:45 11 Q. So it was more than one car, though?

14:45 12 A. Yes. Yes.

14:45 13 Q. And they were marked cars?

14:45 14 A. I don't -- one of them for sure. I don't
14:45 15 remember if we had the ghost units at that time or we
14:45 16 had the regular patrol -- regular CID units.

14:45 17 Q. Did they have dash cams?

14:45 18 A. No, they don't have dash cams.

14:45 19 Q. Okay. Were you wearing a body cam?

14:45 20 A. No, I was not wearing a body cam.

14:45 21 Q. What car was she transported in to the
14:45 22 sheriff's office?

14:45 23 A. No. She drove herself.

14:45 24 Q. Oh, she drove herself?

14:45 25 A. Yeah, she drove herself. I said, "The paper is

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14:45 1 for you to go with me to the sheriff's office." Like I
14:46 2 didn't want to say, "Oh, you're arrested," because I
14:46 3 didn't know myself if she was to be arrested or not be
14:46 4 arrested. Like I didn't know what was going to be
14:46 5 inside those papers.

14:46 6 So I said, "I don't know if you're going
14:46 7 to be arrested," or "I don't know what they sent me.
14:46 8 They just gave me this." So she drove herself to the
14:46 9 sheriff's office.

14:46 10 Q. Were you in touch with the DA's office during
14:46 11 this arrest?

14:46 12 A. I don't remember if I was. Maybe afterwards
14:46 13 for sure, but not -- I don't remember if during.

14:46 14 Q. Is it unusual that they told you to go find
14:46 15 someone and bring them back to the office but you
14:46 16 didn't know what was going to happen?

14:46 17 A. Yes. Yes, because normally, it's -- it's -- if
14:46 18 it was an indictment, they could have served themselves
14:46 19 as investigators.

14:46 20 Q. Why didn't they serve it themselves?

14:46 21 A. I don't know, ma'am.

14:46 22 Q. Was anyone riding with her in her car?

14:47 23 A. I -- when we were driving to the office?

14:47 24 Q. Yes.

14:47 25 A. I drove with her. She was crying. She was

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14:47 1 nervous. I said, "I'll drive with you." Like I just
14:47 2 wanted her calm, relaxed. I didn't want her to -- and
14:47 3 then I got in trouble for that.

14:47 4 They said, "You shouldn't have driven with
14:47 5 her. What if she, you know, would have taken off to
14:47 6 Mexico with you?" I just thought it was -- she seemed
14:47 7 scared, nervous, crying.

14:47 8 I said, "I'll even drive with you, like
14:47 9 let's go to the sheriff's office, and we'll open the
14:47 10 envelope together, like, you know, just relax." I
14:47 11 mean, I said, "Everything is going to be okay. Don't
14:47 12 worry."

14:47 13 And we -- and she said, "Yes," and I drove
14:47 14 with her. She was on the phone with her mother.

14:47 15 Q. And would you say that that was not typical of
14:47 16 how an arrest usually takes place?

14:47 17 A. Correct. Well, she was not under arrest at
14:47 18 that time.

14:47 19 Q. Were you aware that the -- that she had been
14:48 20 charged with murder then?

14:48 21 A. When I was -- when I was driving with her to
14:48 22 the --

14:48 23 Q. Yes.

14:48 24 A. I was just wondering what was in that envelope.

14:48 25 Q. Yeah.

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14:48 1 A. I wasn't sure. I wasn't -- in the back of my
14:48 2 mind, I said, "Well, if they want her, I'm pretty sure
14:48 3 they charged her." But I didn't know -- like I said,
14:48 4 it was the first time dealing with an indictment. I
14:48 5 didn't know if it was a murder charge or no --
14:48 6 something that was going to say "no charge," but I had
14:48 7 to tell her at the sheriff's office.

14:48 8 No one told me it could be that it's no
14:48 9 charges, but you have to tell her at the sheriff's
14:48 10 office. Like no one told me anything like that. I
14:48 11 didn't know.

14:48 12 Q. Did you write an arrest report?

14:48 13 A. No. It's just what's here.

14:48 14 Q. Okay. Did you tell her that she had to go with
14:48 15 you to the sheriff's office?

14:49 16 A. Yes. I said, "Well, you have to go," because
14:49 17 they told me bring her in and open this.

14:49 18 Q. And "they" meaning the DA's office?

14:49 19 A. The DA's office, yes, ma'am. And she was very
14:49 20 compliant. She at no point said, "I'm not going,"
14:49 21 or -- or never gave me attitude, never gave me
14:49 22 resistance as far as, "No, I'm not going. I'm not
14:49 23 going to go with you. Come with me." Never. She
14:49 24 was -- she was just the nicest girl.

14:49 25 Q. After her arrest, after she was brought to the

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14:49 1 office and you read her the indictment, and then she
14:49 2 was detained, correct?

14:49 3 A. Then she was arrested for the --

14:49 4 Q. Then she was actually arrested and jailed and
14:49 5 booked into jail at that point --

14:49 6 A. Yes, ma'am.

14:49 7 Q. -- correct?

14:49 8 A. Yes, ma'am.

14:49 9 Q. Who -- who did the booking into the jail?

14:49 10 A. I don't know who books them at the jail, but I
14:49 11 walked her to the jail.

14:49 12 Q. You walked her to the jail. Did you speak to
14:50 13 anyone in your office to inform them that you had
14:50 14 arrested her?

14:50 15 A. Well, all of the -- the sergeant, the captain,
14:50 16 and the investigators that were looking for her all
14:50 17 knew by then that I already had her in the office.

14:50 18 Q. Was Sheriff Fuentes aware that she had been
14:50 19 arrested?

14:50 20 A. Yes. Yes, ma'am.

14:50 21 Q. How -- why would he have been made aware?

14:50 22 A. Because the -- like I said, the captain,
14:50 23 there's that message that, okay, this person has been
14:50 24 arrested, this person has been -- like they inform him
14:50 25 of everything that happens in the office.

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14:50 1 Q. In the WhatsApp group?

14:50 2 A. In the -- they have that WhatsApp group. And
14:50 3 then we took her to the office, so I'm sure they told
14:50 4 them, "Hey, you know, she's already here." Like I
14:50 5 said, it was on the message too.

14:50 6 Q. So he gets -- he gets informed basically about
14:51 7 like every major step in an investigation, correct?

14:51 8 A. And just a simple report from patrol too, yes,
14:51 9 ma'am. They have that chat group.

14:51 10 Q. Had you ever heard of anyone being arrested for
14:51 11 an abortion before?

14:51 12 A. No, ma'am.

14:51 13 Q. Did it seem surprising to you that she had been
14:51 14 charged based on an abortion?

14:51 15 A. Yes, ma'am.

14:51 16 Q. Do you know how bond is set, for bond?

14:51 17 A. No, ma'am.

14:51 18 Q. So you mentioned you brought her -- you walked
14:51 19 her over to the jail. Is that the sheriff -- the Starr
14:51 20 County Jail?

14:51 21 A. Yes. It's -- they're attached together. So we
14:51 22 just walk from -- come out one door into the other.

14:51 23 Q. It's attached to the sheriff's office?

14:51 24 A. Yes. Yes, ma'am.

14:51 25 Q. Does the sheriff's office run the jail? Like

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16:19 1 A. Correct.

16:19 2 Q. All right. I mean, all you had was Exhibit 6.

16:19 3 A. That's correct, sir.

16:20 4 Q. All right. So whatever brief summary you --

16:20 5 y'all had, it was pretty brief.

16:20 6 A. That's right.

16:20 7 Q. Correct? Is that a fair statement?

16:20 8 A. Yes, sir.

16:20 9 Q. And -- and then she says, "I learned from

16:20 10 talking to them" -- apparently you and Captain

16:20 11 Fuentes -- "that their questions to Abel Villarreal" --

16:20 12 which had happened before, right -- "had to do with

16:20 13 whether an unborn child was an individual for purposes

16:20 14 of the homicide statute."

16:20 15 Does -- does that sound accurate, that

16:20 16 there was a question about that?

16:20 17 A. About the individual?

16:20 18 Q. That the call had to do with whether an unborn

16:20 19 child was an individual for purposes of the homicide

16:20 20 statute.

16:20 21 A. Yes, sir.

16:20 22 Q. Okay. Does -- does that sound about right to

16:21 23 you as far as what that conversation was about?

16:21 24 A. Yes. Yes, sir.

16:21 25 Q. So if you turn to 19.01 of Exhibit --

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16:21 1 Defendants' Exhibit 4, and it's types of criminal
16:21 2 homicide. Do you see that?

16:21 3 A. Yes, sir.

16:21 4 Q. And it -- and under Subsection A says, "A
16:21 5 person commits criminal homicide if he intentionally,
16:21 6 knowingly, or recklessly, or with criminal negligence
16:21 7 causes the death of an individual."

16:21 8 A. Yes, sir.

16:21 9 Q. Right? So does it appear to you that this
16:21 10 question about whether a fetus is an individual, this
16:22 11 is what y'all are talking about?

16:22 12 A. Uh-huh. Yes, sir.

16:22 13 Q. Right? And that's the legal question on the
16:22 14 table, is it not?

16:22 15 A. Yes, sir.

16:22 16 Q. Okay. And she says here, "Their questions had
16:22 17 to do with whether an unborn child was an individual
16:22 18 and also what kind of charge would apply given the
16:22 19 facts they had."

16:22 20 And that's correct, right? That's --
16:22 21 that's what everybody was wondering.

16:22 22 A. Correct.

16:22 23 Q. All right. And then she says, "They then told
16:22 24 me that ADA Villarreal had advised that individual" --
16:22 25 in quotes -- "included an unborn child under the Penal

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16:22 1 Code."

16:22 2 Do you recall that discussion?

16:22 3 A. I don't remember. But I do remember, like I
16:23 4 said, because someone else had already called. I don't
16:23 5 remember if -- I don't remember if he said yes or no or
16:23 6 she said yes or no. I don't remember.

16:23 7 Q. Okay. But it's still around the same --

16:23 8 A. It's in the same --

16:23 9 Q. -- the same question, right?

16:23 10 A. Yes.

16:23 11 Q. And then apparently, according to her,
16:23 12 Villarreal had advised that "individual" did -- was --
16:23 13 included an unborn child as the definition of an
16:23 14 individual, correct?

16:23 15 A. Yes.

16:23 16 Q. And then she says, "While they told me this, I
16:23 17 was simultaneously looking for the definition of an
16:23 18 individual on my phone." Right?

16:23 19 A. Yes, sir.

16:23 20 Q. And she said, "I did confirm that under Texas
16:24 21 Penal Code Section 1.07, subsection 26, the definition
16:24 22 of an individual included an unborn child at every
16:24 23 state of gestation from fertilization until birth."

16:24 24 Do you recall that discussion?

16:24 25 A. Yes, sir.

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16:24 1 Q. All right. So did you come away from that
16:24 2 conversation thinking that an individual -- that the
16:24 3 definition of an individual under Chapter 19.01 did
16:24 4 include a fetus?

16:24 5 A. Yes, sir.

16:24 6 Q. All right. Did that -- did that answer that
16:24 7 part of the question in your mind?

16:24 8 A. That what we were calling her for, yes.

16:24 9 Q. All right. And then she says, "I also looked
16:24 10 up the homicide statute to confirm it included the term
16:25 11 'individual.'" Okay? And we just went over that. It
16:25 12 does include the term "individual," right?

16:25 13 A. Yes, sir.

16:25 14 Q. All right. And then she says, "All the
16:25 15 elements were met." All right?

16:25 16 A. Yes, sir.

16:25 17 Q. But then she goes on to say, "I was a bit
16:25 18 surprised to learn that the term 'individual' included
16:25 19 an unborn child, but that is what the statute says."

16:25 20 That's a correct statement by her, is it
16:25 21 not?

16:25 22 A. Yes, sir.

16:25 23 Q. That -- that she was surprised, but that's what
16:25 24 the statute says. And if I -- I mean, I can drag this
16:25 25 depo out and walk you through the definition of

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16:30 1 report.

16:30 2 MS. JARIT: Objection.

16:30 3 A. I don't know, sir. I wouldn't know. I don't
16:30 4 think so.

16:30 5 Q. Let's -- let me --

16:31 6 A. For sure not on mine.

16:31 7 Q. Okay. Let's leave it at that. For sure not on
16:31 8 yours there's no reference to 19.06.

16:31 9 Were you the lead investigator on this
16:31 10 case?

16:31 11 A. Yes, I was, sir.

16:31 12 Q. Do you have any -- you had never worked a file
16:31 13 like this before, right?

16:31 14 A. No, sir.

16:31 15 Q. You had never worked a murder case before?

16:31 16 A. No, sir.

16:31 17 Q. All right. And had you received any kind of
16:31 18 training on murder investigations?

16:31 19 A. Like I said, we had been sent to a training,
16:31 20 but I don't -- I don't recall if it was after or before
16:31 21 this happened.

16:31 22 Q. Let me ask you some questions about your
16:32 23 training since you mentioned training. Are you still a
16:32 24 peace officer?

16:32 25 A. As far as I know, they were going to keep my

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16:51 1 Q. All right. You're under the impression that he
16:51 2 never worked on --

16:51 3 MS. HARRIS: Objection, calls for
16:51 4 speculation.

16:51 5 MS. JARIT: Objection --

16:51 6 Q. -- on those, do you know?

16:51 7 MS. JARIT: -- asked and answered.

16:51 8 A. No, sir. Not on the phones. I don't know.

16:51 9 Q. All right. Okay. So we've talked a lot about
16:51 10 Alex Barrera. And it sounds like Gocha Ramirez, as far
16:51 11 as you're concerned, is not in the mix at all.

16:51 12 MS. JARIT: Objection, vague.

16:51 13 MS. HARRIS: Objection.

16:52 14 Q. Is that right? Do you have any information
16:52 15 about --

16:52 16 MS. HARRIS: Calls for speculation.

16:52 17 THE COURT REPORTER: Okay. Wait a minute.
16:52 18 I can't do --

16:52 19 MR. NAVARRO: Yeah. I'm talking -- let me
16:52 20 finish my question before you jump up and down.

16:52 21 Q. Do you have any -- I mean, I haven't heard you
16:52 22 talk about Gocha Ramirez or contact with Gocha Ramirez
16:52 23 that you had.

16:52 24 A. No, sir, because I never had contact with him.
16:52 25 He's not, I don't believe, mentioned on our report as

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16:52 1 far as me speaking to him or anything like that.

16:52 2 Q. All right. And other than the WhatsApp
16:52 3 communications through other chain of command people,
16:52 4 you -- the same answer for you with the sheriff, right?
16:52 5 You don't have any direct communications with the
16:52 6 sheriff about --

16:52 7 MS. HARRIS: Objection, misstates --

16:52 8 Q. -- about these events; is that right?

16:52 9 A. That's correct, sir.

16:52 10 THE COURT REPORTER: If you'll take a
16:52 11 breath and let her talk, then I can get all three of
16:52 12 you.

16:53 13 MR. NAVARRO: You know, I talk kind of
16:53 14 slow, and so it gives people too much chance to get
16:53 15 ahead of me.

16:53 16 Q. When you -- when you were talking with your
16:53 17 sergeant and captain, did y'all also talk about SB 8?
16:53 18 Did you look up SB 8?

16:53 19 A. I don't remember.

16:53 20 Q. Do you remember that SB 8 is referenced in that
16:53 21 initial report?

16:53 22 A. Yes, sir.

16:53 23 Q. So did that cause you to look up SB 8 and
16:53 24 figure out what that's all about?

16:53 25 A. I'm sure I did, but I don't -- I don't

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